At a regular meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 14<sup>th</sup> day of December 2004, at the Cumberland Courthouse:

Present: W.F. Osl, Jr., Chairman, District 1

Clifton C. White, District 2

Van Petty, District 3 Elbert Womack, District 4 Jeremiah Heaton, District 5

Darvin E. Satterwhite, County Attorney Judy O. Hollifield, County Administrator

Sherry Swinson, Assistant County Administrator

The Chairman called the meeting to order and the County Administrator called the roll. The Chairman gave the invocation and the Boy Scouts led in the pledge of allegiance.

#### 1. Approval of Agenda

On a motion by Mr. Osl and carried, the Board amended the agenda as follows:

- Add under Department and Agencies 1)
- Additional appropriation of \$50,000 for Literary Foundation Grant
- 2) Added under Closed Session

VA Code Section 2.2-3711(A-3) discussion regarding acquisition of real estate for public purpose.

Vote: Mr. Osl - aye

Mr. White - aye

Mr. Petty - aye Mr. Womack - aye Mr. Heaton - aye

#### VDOT - Alan Leatherwood 2.

Public Hearing on 6-year plan

Alan Leatherwood, VDOT Resident Engineer, and Johnny Stout, VDOT Superintendent, were present and Mr. Leatherwood discussed the priorities which were prepared by VDOT and the Board during a work session, and presented for public hearing.

The Chairman opened the public hearing and one speaker stated that roads need to be paved and made a special request for a flashing stop sign at the intersection of Rt. 622 and Rt. 60 due to safety issues. There were no other speakers and the Chairman closed the hearing.

On a motion by Mr. Womack and carried, the Board adopted a resolution approving the six-year road plan and construction priority list as presented at the public hearing:

## RESOLUTION

# SIX-YEAR ROAD PLAN AND CONSTRUCTION PRIORITY LIST

On a motion by Mr. Womack and unanimously carried the following resolution was adopted as presented:

WHEREAS, THE 1977 Session of the Virginia General Assembly amended Sections 33.1-23 and 33.1-23.4 of the 1950 Code of Virginia, as amended, which in part, provided the opportunity for each county to work with the Virginia Department of Transportation in developing a Six Year Road Plan,

WHEREAS, this Board had previously agreed to assist in the preparation of this plan in accordance with the Virginia Department of Transportation policies and procedures and participated in a Public Hearing on the proposed plan as well as the Construction Priority List (2205-2006) on December 14, 2004 after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed plan and priority list, and

WHEREAS, W. A. Leatherwood, Resident Engineer, Virginia Department of Transportation, appeared before the Board and recommended approval of the Six Year Plan for Secondary Roads (2005-2011) and the Construction List (2005-2006) for, Cumberland

NOW, THEREFORE , BE IT RESOLVED that since said plans appear to be in the best interests of the Secondary Road System in Cumberland County and of the citizens residing on the Secondary System, said Six Year Plan (2005-2011) and Construction Priority List (2005-2006) are hereby approved as presented at the Public Hearing, as amended.

Vote: Mr. Osl - aye Mr. White - aye Mr. Petty - aye Mr. Womack - aye Mr. Heaton - aye

b) Todd & Glenda Grubbs re: highway project on Rts. 638 and 639

Mr. Leatherwood stated that VDOT is in the process of redesigning the road project that would reduce the impact to the Grubbs property. New stakes will be placed at the re-designed area and Mr. Leatherwood will let the Board know when this is done.

# 3. <u>Department/Agencies</u>

a) Mr. Thornton - School's request for appropriation

Mr. Thornton said that all work had been completed on the middle school and other buildings related to the Fire Marshal and Building Inspector's inspections. Total cost for the repairs was \$207,471.30. The Board stated that \$100,000 in emergency funding was appropriated last fiscal year and this amount would have to be reappropriated in the current fiscal year. Upon

further discussion, the Board asked Mr. Thornton if he and the School Board could review the need for the total additional amount of \$107,471.30 in the spring and determine whether any of this amount could be absorbed by the school. Mr. Thornton agreed that this could be done. Mr. Heaton stated that perhaps the Board should appropriate a portion of the amount needed since it was unlikely that the school would have a balance of over \$100,000.

On a motion by Mr. Heaton and carried, the Board reappropriated \$100,000 and appropriated \$50,000 to the School Fund for the emergency repairs that had to be made at the middle school and other buildings based on inspections by the fire marshall and building official.

Vote: Mr. Osl - aye

Mr. White - aye

Mr. Petty - aye

Mr. Womack - aye

Mr. Heaton - aye

Mr. Thornton stated that he appreciated Mr. Leeds' (County Building Official) involvement in identifying the emergency repairs that were needed.

On a motion by Mr. White and carried, the Board appropriated \$50,000 for the Literary Foundation grant that was awarded to Cumberland County Schools to equip the new adult education center.

Vote: Mr. Osl - aye

Mr. White - aye

Mr. Petty - aye

Mr. Womack - aye

Mr. Heaton - aye

b) Mr. Dave Roberts, RC&D Coordinator

Mr. Roberts reported on projects the RC&D has worked on over the past year which include the Civil Rights in Education Trail; environmental field school; Friends of Appomattox River; and the Rails to Trails project. Future ongoing projects include High Bridge project; an assessment of needs for Cumberland and Buckingham regarding education relating to fire safety; environmental education program; and other programs such as putting together a workshop concerning conservation easements. The RC&D seeks to promote wise use of our natural resources and educate the youth on environmental issues.

c) Mr. Steve Thompson - Randolph Fire Department Chief

Mr. Thompson updated the Board on the newly established Randolph Fire Department and stated that they have received several trucks through donation from other localities and started answering calls in August 2004. They continue to provide classes and drills for fire department members and still wish to recruit additional members.

### 4. County Administrator's Report

a) Consent Agenda

The County Administrator explained each item in the consent agenda and the following actions were taken:

On a motion by Mr. Petty and carried, the Board approved the following consent agenda items:

- 1. Approved the minutes for November 2004.
- 2. Approved bills for November 2004 totaling \$91,023.08 and ratified bills for October 2004 of warrants totaling \$200,854.29 with check numbers ranging from 43050 to 43345. Direct Deposit totaling \$69,892.96. Approved bills for December 2004 totaling \$133,973.24 and ratified bills for November 2004 of warrants totaling \$246,193.70 with check numbers ranging from 43241 to 43661. Direct Deposit totaling \$71,218.94.

Vote: Mr. Osl - aye
Mr. Petty - aye
Mr. Heaton - aye

Mr. White - aye Mr. Womack - aye

- b) Appointments
  - 1) Planning Commission (District 1)

Mr. Osl is interviewing citizens and will make a recommendation at a later date.

2) Workforce Investment Board

One citizen has expressed interest, however, she does not qualify as a business representative. Staff will look into this further to determine whether she could serve in another capacity.

3) Water & Sewer Advisory Committee

On a motion by Mr. Petty and carried, the Board appointed Carolyn Helgeson and Doris Brown to the Water & Sewer Advisory Board. Other appointments will be made at a future meeting.

Vote: Mr. Osl - aye Mr. Petty - aye Mr. Heaton - aye Mr. White - aye Mr. Womack - aye

4) Crossroads Community Services Board

This will be addressed at a future meeting.

5) Board member to serve on School's CIP Committee

On a motion by Mr. Osl and carried, the Board appointed Mr. White to serve on the School's CIP Committee.

Vote: Mr. Osl - aye Mr. Petty - aye Mr. Heaton - aye Mr. White - aye

Mr. Womack - aye

c) Consider proposals for developing cash proffer system

The County Administrator reported that two proposals were received for the development of a cash proffer system for the County. The bids were as follows:

Robinson, Farmer, Cox Associates - \$6,000.00 Springsted Company - \$17,750 plus expenses

Based on the fact that Robinson, Farmer, Cox Associates has completed several of the cash proffer systems for other counties, and is currently serving as Cumberland County's auditor, the recommendation was to accept the bid of Robinson, Farmer, Cox Associates.

On a motion by Mr. Womack and carried, the Board awarded a contract to Robinson, Farmer, Cox Associates in the amount of \$6,000 to develop a cash proffer computation system for Cumberland County.

Vote: Mr. Osl - aye Mr. White - aye Mr. Petty - aye Mr. Womack - aye Mr. Heaton - aye

d) Tax relief for EMS Volunteers

Mr. White reported that he needed to meet with EMS personnel after the emergency services communications committee meeting to discuss tax relief, billing, etc. He stated that the Treasurer and Commissioner would also need to be involved in this.

e) Meal on Wheels

Mr. Petty reported that pledges have been made by some churches to start the Meals on Wheels program and that \$15,000 has been requested from the County in start-up funds, which would help pay for a coordinator to work 15-20 hours per week. No action was taken on the request, however, this will be discussed at a future meeting.

#### 5. Assistant County Administrator's Report

a) Project Updates

The Assistant County Administrator reported that bid opening on the water tank was held on December  $8^{\rm th}$  . Engineers from Dewberry Company are in the process of evaluating the bids.

She reported that the water/sewer construction project with DCR is underway.

b) The Asst. County Administrator reported that the public meeting on the water reservoir project on December 1<sup>st</sup> was well attended, and that the Cobbs Creek site was considered to be the most favorable of all sites that were considered. Mr. Osl mentioned that at the last Board meeting, the team recommended going with the Cobbs Creek site. Following a citizens meeting at the Cartersville Rescue Squad, it seemed appropriate to accept the team's recommendation to

move to a single site and go forward with the next steps.

On a motion by Mr. Osl and carried, the Board accepted the team's recommendation to select Cobbs Creek as the potential site of a water reservoir in Cumberland County.

Vote: Mr. Osl - aye Mr. White - aye Mr. Petty - aye Mr. Womack - aye Mr. Heaton - aye

The New Hope Church has requested that the equipment located at the Hamilton transfer station site, which includes a backstop and bleachers, be donated to New Hope School. In researching this, the Cartersville Youth League has no problem with moving the equipment, and it is no longer used by the community at that site. Mr. Jerry Gilliam has lined up enough volunteers to move the equipment. He has also been using community service workers to perform work at the site and a Board member questioned whether community service workers, through the court system, were allowed to work at churches.

On a motion by Mr. Osl and carried by the following vote, the Board donated the backstop and bleachers located at the Hamilton transfer station to the New Hope School.

Vote: Mr. Osl - aye Mr. White - abstained Mr. Petty - aye Mr. Womack - aye Mr. Heaton - aye

Note: (Following the meeting, the County Attorney's research into State Code indicates that counties are not allowed to make this type of donation to a church or church affiliated organization.)

### 6. County Attorney's Report

a) Discuss disposal of dead animals and fowl

The County Attorney stated that in researching the Code, he found some options in the way a locality can handle disposal of dead animals and fowl. Based on his findings, under State Code Section 18.2-323, the Animal Warden is allowed to dispose of dead animals and then recover the cost from the owner. Therefore, no action is needed at this time to enable the Animal Warden to enforce this law.

b) Discuss draft of proposed water ordinance

The County Attorney prepared a draft ordinance for the Board's review and suggested that the Board may want the new Water and Sewer Advisory Board to review the ordinance. At this time, the draft is for the Board's information only.

c) Information regarding auxiliary firemen under age 18

The County Attorney explained the requirements for volunteers who are minors, serving with Rescue Squads or Fire Departments. The agencies are required to have insurance coverage for those volunteers under the age of 18. Furthermore, an ordinance is

needed for minors who serve on volunteer fire departments. He recommended adopting an emergency ordinance immediately, and holding a public hearing within 60 days to make the ordinance permanent.

On a motion by Mr. White and carried, the Board adopted the following emergency ordinance pursuant to Section 40.1-79.1 of the Code of Virginia 1950 (as amended):

WHEREAS, §40.1-79.1 of the Code of Virginia 1950 (as amended) authorizes the adoption of an ordinance allowing certain qualified persons sixteen years of age or older, with parental or guardian approval, to work with or participate fully in all activities of a volunteer fire company.

WHEREAS, the Board finds that the participation of young people sixteen years of age or older in the volunteer fire departments will help instill the value of volunteerism in the youth of the County and will provide valuable experience to such youths that will be of benefit to them and to the overall health, safety and general welfare of the citizens of Cumberland County.

NOW THEREFORE, BE IT ORDAINED, that Sec. 38-1, ARTICLE I, CHAPTER 38, "Fire Prevention and Protection," of the Cumberland County Code is hereby adopted as follows:

#### ARTICLE I. IN GENERAL

# Sec. 38-1. Youth participation in volunteer fire company activities.

- (a) Any person sixteen years of age or older, with parental or guardian approval, may work with or participate fully in all activities of any volunteer fire company in Cumberland County, provided such person has attained certification under National Fire Protection Association 1001, level one, fire fighter standards, as administered by the Department of Fire Programs.
- (b) Any volunteer fire company allowing the persons authorized by subsection (a) of this section to work or participate in activities of any such fire company shall purchase and maintain insurance which provides coverage for injuries to or the death of such persons in their performance of activities under this section, unless such insurance is otherwise provided by Cumberland County. Although Cumberland County may provide such insurance, the County shall not be obligated to provide insurance.
- (c) Notwithstanding the foregoing provisions of this section, the following activities involving fire fighting shall be prohibited:
- (1) Minors 16 years and 17 years of age shall not enter a burning structure. The term "burning structure" as used in this section shall not include a structure which contains burning materials.
- (2) Minors 14 years and 15 years of age shall not participate in fire fighting or support activities at the fire scene, enter a burning structure,

enter a structure which contains burning materials, or engage in any other activity prohibited by law.

(3) Minors under 14 years of age shall not participate in any activity related to fire fighting.

AND, BE IT RESOLVED, that this emergency ordinance shall be effective immediately on this  $14^{\rm th}$  day of December, 2004, and, further, that the Board of Supervisors of Cumberland County, Virginia, shall conduct a public hearing within the sixty day period provided in \$15.2-1427 of the Code of Virginia 1950 (as amended), to readopt the above referenced emergency ordinance as a permanent ordinance of the Cumberland County Code and hereby directs the County Staff to have appropriate public notices advertised in anticipation of such public hearing.

Vote: Mr. Osl - aye
Mr. Petty - aye
Mr. Heaton - aye

Mr. Womack - aye

d) Report on staggered terms for Board of Supervisors and School Board Members

The County Attorney reported that should the Board decide to initiate staggered terms, the School Board terms would coincide with Board of Supervisors terms for the same districts. This is only for the Board's information and would require adoption of an ordinance in order to take effect.

e) Letter sent to US Justice requesting preclearance re: elected School Board Members

The County Attorney stated that a letter was sent to the US Justice Department requesting preclearance for School Board elections.

# 7. Board Members

Mr. Heaton stated that the County is now in a position where we are faced with constructing new schools, and without other options, that represents a substantial increase in taxes. According to his calculations, building \$24,000,000 schools would require a 30 cents tax increase on real estate. He requested that an item be placed on the agenda for next month's Board meeting, for public input and discussion on possible options for paying for schools.

Mr. Womack said that he had enjoyed working with the Board this past year and was proud of the accomplishments in 2004.

Mr. Petty said he had received questions from four people regarding the requirement to pay a monthly sewer bill on properties that are not connected to the system. He informed the public that he did not plan to have additional monthly district meetings, due to lack of attendance, however, he would consider a different structure next year.

He said that Cumberland Housing is still reacting to the compliance review that the VA Dept. of Housing & Community Development conducted, and a meeting is planned in the next few weeks to discuss the review.

Mr. White would like to initiate a "litter clean-up" day in the spring and hopes to involve citizens in cleaning up the County.

He is working with Meade Jones, Cumberland Bulletin, to set up the newsletter, and hopes that it will be ready for publication prior to Christmas; however, it could be later, depending on whether information can be gathered from the departments and agencies.

Mr. White said that nine soldiers from Cumberland County are on stand-by in Fort Dix, NJ, and are ready to go to Iraq. He also said that he agrees the community needs to become involved in addressing the problem of paying for new schools and the Board has to act on the issue. This should not be passed on to the next Board of Supervisors.

Mr. Osl reported that an emergency communications committee meeting was held in November to discuss features, benefits, and capabilities of a communications system. Mr. Hickman, IT Manager is looking at designs. In order to implement what is desired, an approval is necessary from the FCC which could take a year. Therefore, the next best plan needs to be discussed and put in place.

He stated that the Comprehensive Plan is still being worked on by the Planning Commission. The Piedmont Planning District Commission is planning a strategy session among the Board members to discuss the regional nature of the organization.

Mr. Osl also commented on the \$24,000,000 CIP request from the School Board to build a new middle school and high school. The School Board and Board of Supervisors previously met to discuss and plan a strategy for construction, and the financing of the project must be discussed.

He thanked the organizers of the Christmas Parade Committee and thanked the Board members for bringing different ideas and perspectives to the meetings over the past year.

#### 8. Public Comments

One citizen said that we needed economic development and that everything on the table is "pie in the sky."

#### 9. Closed Meeting

On a motion by Mr. Osl and carried, the Board entered into closed meeting under VA Code Section 2.2-3711 A(1) personnel; A-3 to discuss purchase of real estate for public purpose; A-7 discussion with staff and legal counsel regarding CIP and Planning Commission; and A-4 protection of the privacy of individuals in personal matters not related to public business.

The Board returned to regular session on a motion by Mr. Osl.

A motion was made by Mr. Petty and adopted by the following vote:

Mr. Osl – aye Mr. White – aye Mr. Petty - aye

Mr. Womack – aye

#### Mr. Heaton - aye

that the following Certification of a Closed Meeting be adopted in accordance with The Virginia Freedom of Information Act:

WHEREAS, the Board of Supervisors of Cumberland County has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Cumberland County hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors of Cumberland County.

### 10. Additional Information

N/A

## 11. Adjourn

The Chairman ordered the meeting adjourned until January 10, 2005 at 2:00 p.m. for an organizational meeting of the Board of Supervisors, followed by a closed meeting at 4:00 p.m. under VA Code Section 2.2-3711(A-5) discussion of potential business or industry where no previous announcement has been made of the business or industry's possible location in the County.

	Chairman	
County Administrator		